

### REMARKS

This Amendment is submitted to supplement Applicant's After Final Response mailed on December 26, 2007. Claim 47 and 48 have been amended, and claims 24-45 and 47-50 remain pending in the present application. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Applicant has recast independent claim 47 as a method claim, and respectfully submits that the rejection of this claim as being anticipated by Nakagawa et al. is no longer applicable and should be withdrawn.

With respect to the rejections of independent claims 24, 49 and 50 as being unpatentable over Song et al. in view of Perry et al., Applicant respectfully requests Examiner to reconsider his position that the "10 cm" dimension described in Perry et al. refers to a distance between the substrate and the plasma source as claimed by Applicant for the reasons set forth below.

In particular, Perry et al. is directed to the problem of solving plasma uniformity across the widthwise direction of the wafer. Applicant respectfully submits that the "10 cm" mentioned in Perry et al. does not refer to plasma uniformity above the substrate holder as asserted by Examiner, but rather is described *at* the substrate holder. Applicant submits that uniformity considerations are important and make sense in a widthwise direction of the wafer, but they make no sense in the direction

perpendicular to the wafer surface, as assumed by the Examiner. Rather, it is more or less granted that in a perpendicular direction the etching conditions are non-uniform. Further, uniformity is not needed in a perpendicular direction because etching uniformity is not needed where there is nothing to be etched. Applicant's position is bolstered by referring to the top paragraph on Page 148 of Perry et al. wherein it describes that when the chamber field was halved, the plasma density was halved, but the plasma uniformity extended over a **diameter** of 15 cm.

In view of the above, Applicant respectfully submits that the "10 cm" dimension described in Perry et al. clearly refers to a widthwise or diameter dimension of a uniformity region at the substrate holder and not to a distance measure of the plasma source relative to the substrate as claimed by Applicant in each of independent claims 24, 49 and 50. Consequently, Applicant respectfully submits that the combination of steps recited in each of independent claims 24, 49 and 50 is not fairly taught or suggested by the prior art of record and the rejections should be withdrawn.

Moreover, as claims 25-45 depend from allowable independent claims 24 and 47, respectively, and further as each of these claims recites a combination of steps not taught or suggested by the prior art of record, Applicant submits that these claims are allowable as well.

**Conclusion**

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please see the electronic fee calculation sheet for the charge in the amount of \$120 for the one month extension fee as required by 37 C.F.R. §1.17(a)(1) and the charge in the amount of \$810 for the RCE fee as required by 37 C.F.R. §1.17(e). If any other fees are necessary, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/David H. Brinkman/  
David H. Brinkman, Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917  
(513) 241-2324 - Voice  
(513) 421-7269 - Facsimile